

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

EDDIE WAGLE,

Petitioner,

File No. 2:06-CV-57

v.

HON. ROBERT HOLMES BELL

JERI-ANN SHERRY,

Respondent.

\_\_\_\_\_ /

**ORDER APPROVING AND ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On August 28, 2012, Magistrate Judge Timothy P. Greeley issued a Report and Recommendation ("R&R") recommending that Respondent's motion to dismiss (Dkt. No. 73) be granted in part. (Dkt. No. 82.) In particular, the R&R recommended that Wagle's petition be stayed and proceedings held in abeyance until Wagle has the opportunity to present and exhaust his claims supported by the newly discovered evidence in the Michigan courts. As part of this stay, the R&R recommended an order that Wagle initiate proceedings in the state courts within 45 days, that the parties file in this Court a joint status report every 90 days, and that Wagle seek reinstatement of this case on the Court's active docket within 30 days of fully exhausting his state court remedies.

No objections have been filed, and the deadline for doing so has expired. The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly,

**IT IS HEREBY ORDERED** that the August 28, 2012, R&R (Dkt. No. 82) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Respondent's motion for dismissal (Dkt. No. 73) is **GRANTED IN PART**.

**IT IS FURTHER ORDERED** that Wagle's petition is **STAYED** and proceedings held in abeyance until Wagle has the opportunity to present and exhaust his claims supported by the newly discovered evidence in the Michigan courts.

**IT IS FURTHER ORDERED** that Wagle initiate proceedings in the state courts within 45 days.

**IT IS FURTHER ORDERED** that the parties file in this Court a joint status report every 90 days.

**IT IS FURTHER ORDERED** that Wagle seek reinstatement of this case on the Court's active docket within 30 days of fully exhausting his state court remedies.

Dated: September 18, 2012

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE